

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

Crl.MC.No. 145 of 2007()

MP.13343/2006 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, THRISSUR
.....

PETITIONER: 1ST ACCUSED

AMMANULLA, S/O. MUHAMMEDKUTTY,
AGED 30 YEARS, KALATHIL HOUSE, VALLAPUZHA,
PALAKKAD.

BY ADV. SRI.ROBSON PAUL
SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA,
REPRESENTING SUB INSPECTOR OF POLICE,
THRISSUR TOWN EAST POLICE STATION,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT. LATHA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30/01/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

Crl.M.C.No. 145 of 2007

Dated this the 30th day of January, 2007

ORDER

The petitioner is the first accused. He had applied for release of an amount of Rs.26,000/- and a mobile phone seized from him at the time of his arrest. The learned Magistrate had directed the release of the amount seized, but had rejected the prayer for release of the mobile phone. It was not released on the ground that the same may afford evidence relevant in the case and that if the mobile phone were released, such evidence will be spoiled.

2. The learned Prosecutor was requested to take instructions. The learned Prosecutor submits that it is not necessary now to insist on retention of the mobile phone in the custody of the court. Necessary transcriptions have been made and the Investigating Officer has reported specifically that he has no objection in the mobile phone being released to the petitioner, it is submitted.

3. In the light of the stand taken by the learned Prosecutor after taking specific instructions from the Investigating Officer, I do not

find any reason to insist on continued retention of the mobile phone in the custody of the court.

4. This Crl.M.C. is accordingly allowed. The mobile phone seized from the petitioner shall be released to him on such terms as may be fixed by the learned Magistrate.

(R. BASANT)
Judge

tm